

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE YU,

Plaintiff,

- against -

New York City Housing Development Corporation
(HDC), PELLEGRINO MARICONDA, Sued herein in
his Official and Personal Capacity,

Defendants.

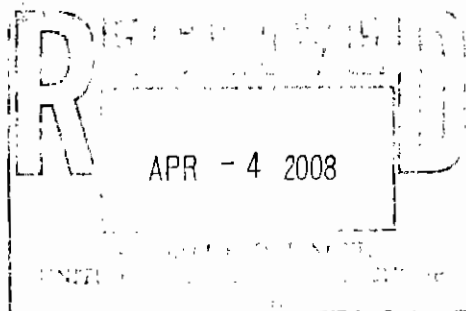
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07cv5541 (GBD) (MHD)

**NOTICE OF MOTION FOR
LEAVE TO AMEND THE
ANSWER OF DEFENDANTS
NEW YORK CITY HOUSING
DEVELOPMENT
CORPORATION AND
PELLEGRINO MARICONDA
PURSUANT TO RULE 15(a)**

PLEASE TAKE NOTICE that upon the annexed declaration of Dean L. Silverberg, the exhibits annexed thereto, and upon the accompanying memorandum of law and all pleadings and proceedings heretofore had herein, Defendants New York City Housing Development Corporation ("HDC") and Pellegrino Mariconda ("Mariconda") (collectively, "the Defendants"), by and through the undersigned counsel, hereby move this Court before the Honorable Michael H. Dolinger, at the United States Courthouse, 500 Pearl Street, New York, New York, on such date and such time as the Court sets, for an Order, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, granting Defendants leave to amend their Answer to include: (1) the affirmative defense of qualified immunity for Defendant Mariconda; and (2) to

withdraw Defendants' affirmative defenses regarding defective service of process.



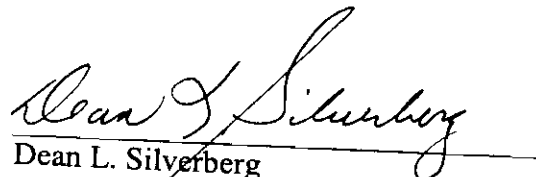
ENDORSED ORDER

Defendants' motion to amend their Answer to add a qualified immunity defense for defendant Mariconda and to withdraw affirmative defenses pertaining to service of process is granted. Plaintiff's motion to dismiss is denied. No showing of undue delay or resulting prejudice. Defendants are deemed to have served their answers, which is to be separately filed.

NY:2512598v1

*per osmt
4/29/08*

Dated: New York, New York
April 2, 2008


Dean L. Silverberg
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